REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed

January 11, 2006 (Paper No. 20051227). Upon entry of this response, claims 45-67 and 70-73

are pending in the application. In this response, claims 45, 52, 59-60, and 67 have been amended,

and claims 68-69 have been cancelled. Applicants respectfully request that the amendments

being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Rejection of Claims 45-73 under 35 U.S.C. §102

Claims 45-73 have been rejected under §102(e) as allegedly anticipated by *Fink et al.*

(U.S. 6,526,684). Applicants respectfully traverse this rejection. A proper rejection of a claim

under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim.

See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed.

Cir. 1983).

a. Claims 45, 52, and 59

Applicants respectfully submit that *Fink et al.* fails to teach, disclose or suggest at least

"re-sequencing the series of multi-media data flow packets into a pseudo-random order; and

transmitting each multi-media data flow packet in the re-sequenced series in the pseudo-random

order" as recited in amended claims 45, 52, and 59.

Fink et al. discloses encrypting portions of an IP packet header, including "packet

sequencing information." (Col. 7, lines 1-10.) The Office Action alleges that encryption

corresponds to "re-sequencing the series of multi-media data flow packets into a pseudo-random

order" as recited in claims 45, 52, and 59. (Office Action, p. 3, paragraph 4.) Applicants

respectfully disagree. In *Fink et al.*, the content of the sequence number field of each individual

received packet is modified by encryption. However, *Fink et al.* teaches that the **sequence** of the received packets is unchanged: "[o]nce translated, this encrypted packet is transmitted across the Internet 36." (Col. 7, lines 15-20.) In contrast, the invention of the instant application, as defined by claims 45, 52, and 59 alters the sequence of packets within the series: "re-sequencing the series of multi-media data flow packets into a pseudo-random order." As discussed in the instant specification,

> In accordance with the abovementioned example, multi-media data packets may be transmitted, and arrive, in a normal order such as 1, 2, 3, 4, 5, etc. However, in accordance with the re-sequencing of multi-media data packets, the multi-media data packets may be transmitted in any order desired, including, but not limited to, 2, 5, 4, 1, 3, etc.
> (Specification, p. 17, line 20 to p. 18, line 5.)

To further clarify, Applicants have amended claims 45, 52, and 59 to add the phrase "in the pseudo-random order" to the transmit step, so that claims 45, 52, and 59 recites "transmitting each multi-media data flow packet in the re-sequenced series in the re-sequenced order."

For at least the reason that *Fink et al.* fails to disclose, teach or suggest the above-described features, Applicants respectfully submit that *Fink et al.* does not anticipate claims 45, 52, and 59. Therefore, Applicants request that the rejection of claims 45, 52, and 59 be withdrawn.

b. Claim 63

Applicants respectfully submit that *Fink et al.* fails to teach, disclose or suggest at least "generating a non-duplicating pseudo-random sequence of integers, the sequence containing M integers, each integer between 1 and M; reordering at least a portion of the bytes of the first packet into a new order specified by the integers in the generated sequence" as recited in claim 63.

Fink et al. discloses encrypting portions of an IP packet header, including "packet sequencing information." (Col. 7, lines 1-10.) The Office Action appears to allege that encryption corresponds to "reordering at least a portion of the bytes of the first packet into a new order" as recited in claim 63. (Office Action, p. 3, paragraph 4.) Applicants respectfully disagree. *Fink et al.* teaches that the IP header of each individual received packet is modified by encryption, and the use of random numbers to perform encryption. (Col. 11, lines 30-40; and 50-60.) However, *Fink et al.* does not teach reordering bytes within a packet. In contrast, the invention of the instant application, as defined by claim 63 uses a psuedo-random sequence to *reorder* bytes within a particular packet, according to the sequence: "reordering at least a portion of the bytes of the first packet into a new order specified by the integers in the generated sequence."

For at least the reason that *Fink et al.* fails to disclose, teach or suggest the above-described features, Applicants respectfully submit that *Fink et al.* does not anticipate claim 63. Therefore, Applicants request that the rejection of claim 63 be withdrawn.

c. Claim 67

Applicants respectfully submit that *Fink et al.* fails to teach, disclose or suggest at least "generating a pseudo-random sequence of numbers, the sequence associated with the port address; replacing the port address in each packet with the corresponding number in the sequence or the product of the corresponding number in the sequence and the size of the sequence" as recited in amended claim 67.

Fink et al. discloses encrypting the IP port address fields by first XOR'ing the port address with the sequence number of the same packet, then encrypting the resulting value. (Col. 9, lines 50-65.) Thus, the replacement port address in *Fink et al.* is a function of the packet

sequence number, and is not one of a pseudo-random generated sequence of numbers, or the

product of a pseudo-random generated number and the sequence size , as recited in amended

claim 67. Since *Fink et al.* fails to disclose, teach or suggest the above-described feature,

Applicants respectfully submit that amended claim 67 overcomes the rejection. Applicants

request that the rejection be withdrawn.

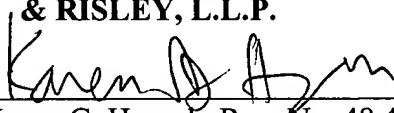### d. Claims 46-51, 53-58, 60-62, 64-66, and 68-73

Since claims 45, 52, 59, 63, and 67 are allowable, Applicants respectfully submit that

claims 46-51, 53-58, 60-62, 64-66, and 68-73 are allowable for at least the reason that each

depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir.

1988). Therefore, Applicants respectfully request that the rejection of claims 46-51, 53-58,

60-62, 64-66, and 68-73 be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 45-67 and 70-73 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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